

SHERIF PHILIPS,

Plaintiff,

v.

PITT COUNTY MEMORIAL
HOSPITAL, et al.,

Defendants.

THIS MATTER is before the Court on Defendants’ Motion to Dismiss, Motion for Prefiling Injunction, and Alternatively Motion to Transfer Venue, (Doc. No. 8); the parties’ briefs and exhibits, (Doc. Nos. 9, 11, and 16); the Magistrate Judge’s Order granting Defendants’ Alternative Motion to Transfer Venue, (Doc. No. 22); Plaintiff’s Objection to the Magistrate Judge’s Decision, (Doc. No. 23); Defendants’ Response in Opposition to Plaintiff’s Objection, (Doc. No. 25); and Plaintiff’s Motion to Strike Defendants’ Response to Plaintiff’s Objection, (Doc. No. 26).

Neither party has objected to the Magistrate Judge’s statement of the factual and procedural background of this case. Therefore, the Court adopts the facts as set forth in the Magistrate Judge’s Order.

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The district court has authority to assign non-dispositive pretrial matters pending before the Court to a magistrate judge to “hear and determine.” 28 U.S.C. § 636(b)(1)(A). When reviewing an objection to a magistrate judge’s order on a non-dispositive matter, the district court must set aside or modify any portion of that order which is clearly erroneous or contrary to law. *Id.*; Fed. R. Civ. P. 72(a). An order transferring a case to another district court is generally viewed as a non-dispositive matter, and thus is reviewed under Rule 72(a). *See Cadence Bank, N.A. v. Horry Props., LLC*, No. 2:09-cv-44, 2010 WL 4026392, at *2 n.4 (W.D.N.C. Oct. 13, 2010). A magistrate judge’s order is contrary to law if the judge failed to apply or misapplied statutes, case law, or procedural rules. *See Catskill Dev. LLC v. Park Place Entm’t Corp.*, 206 F.R.D. 78, 86 (S.D.N.Y. 2002). The Magistrate Judge’s Order granting Defendants’ Alternative Motion to Transfer Venue is a non-dispositive order which the Court will set aside or modify only if it is clearly erroneous or contrary to law. *See Powell v. Town of Sharpsburg*, No. 4:06-cv-117, 2009 WL 863348, at *7 (E.D.N.C. Mar. 27, 2009) (holding that the critical issue is the disposition the magistrate actually imposes, not that requested by the party).

III. DISCUSSION

Having conducted a full review of the Magistrate Judge’s Order, Plaintiff’s Objection, and other documents of record, the Court finds that the Order is, in all respects, in accordance with the law and should be approved. Plaintiff has failed to submit any valid arguments or cite any relevant authority to support his appeal of the Magistrate Judge’s Order. And the Court finds that Plaintiff’s objections are

without merit.

IV. CONCLUSION

Thus, the Court adopts the Magistrate Judge's Order granting Defendants' Alternative Motion to Transfer Venue, (Doc. No. 8), and transfers venue to the Eastern District of North Carolina.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's Objection to the Magistrate Judge's Decision, (Doc. No. 23), is **DENIED**;
- (2) Plaintiff's Motion to Strike, (Doc. No. 26), is **DENIED as moot**; and
- (3) The Clerk is directed to transfer this case to the United States

District Court for the Eastern District of North Carolina.

Signed: July 1, 2024



Robert J. Conrad, Jr.
United States District Judge

